

1 HOUSE BILL NO. 133

2 INTRODUCED BY D. BARRETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT FENCING ATTACHED TO OR ABUTTING A
5 COUNTY ROAD BRIDGE IS NOT CONSIDERED AN ENCROACHMENT UNDER CERTAIN
6 CIRCUMSTANCES; AND AMENDING SECTION 7-14-2134, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 7-14-2134, MCA, is amended to read:

11 **"7-14-2134. Removal of highway encroachment.** (1) ~~If~~ Except as provided in subsection (4), if any
12 highway is encroached upon by a fence, building, or otherwise other obstruction, the road supervisor or county
13 surveyor of the district must shall give notice, orally or in writing, requiring the encroachment to be removed from
14 the highway.

15 (2) If the encroachment obstructs and prevents the use of the highway for vehicles, the road supervisor
16 or county surveyor ~~must shall~~ immediately remove the ~~same~~ encroachment.

17 (3) The board of county commissioners may at any time order the road supervisor or county surveyor
18 to immediately remove any encroachment.

19 (4) This section does not apply to fencing along a county road right-of-way that is attached to or abuts
20 a county road bridge edge, guardrail, or abutment if the county allows the fencing and if the fencing and bridge
21 appurtenances are not on the roadway, as defined in 61-1-206."

22 - END -